

Application No. 10/782,998

### REMARKS

Upon entry of the foregoing amendments, claims 23-30 remain pending.

Applicant appreciates the telephone conferences between the undersigned attorney and the Examiner of March 21 and 28 and April 4, 2006, as well as the suggestions in a fax from the Examiner of March 28, to amend the claims for purposes of clarity, rather than narrowing, substantially as set forth above. Minor revisions were discussed with the Examiner on April 4, resulting in the amendments above. Only one other revision has been made after that discussion. That is in claim 23, subpart (d), where "sequence identity" as suggested by the Examiner, has been amended to read "sequence homology" to be consistent with many other uses of the same term. All claims are now believed to be in full condition for allowance.

During the telephone conference of March 21, the Examiner raised an issue relating to the Declaration of Nobuya Itoh Regarding Replacement Sequence Listings filed March 13, 2006, with the Amendment and RCE (the "Prior Itoh Declaration"). The Examiner requested a further explanation relating to the following statement in paragraph 3 of the Prior Itoh Declaration, concerning the errors noted in SEQ ID NOs:1 and 2: "The errors occurred as a result of simple mistakes when analyzing the nucleotide sequence of SEQ ID NO:2...." More particularly, the Examiner inquired whether the mistake was one of reading the original sequence listing of the original gene of plasmid ptrTFAR, or whether the mistake was discovered upon analyzing another sequence that was run on another clone of the gene that was prepared according to the disclosure in the application.

Applicant has been consulted and has confirmed that the mistake was a simple reading mistake when reading the original sequence listing of the original gene of plasmid ptrTFAR.

Enclosed is a Supplemental Declaration of Nobuya Itoh Regarding Replacement Sequence Listings (the "Supplemental Itoh Declaration") attesting to the mistake. The Supplemental Itoh Declaration also confirms the accuracy in all other respects of the Prior Itoh Declaration. Accordingly, no new attachments are being provided with the Supplemental Itoh Declaration, and as noted in paragraph 6 of the Prior Itoh Declaration, since the DNA of amended SEQ ID NO:2 is of the same *Leifsonia* sp. S-749 (Accession No. of International Depository Authority: FERM BP-8291) as set forth in the application, no new matter has been

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added by correcting the nucleotide sequence of the DNA in amended SEQ ID NO:2. The same reasoning applies to the amended amino acid sequence listing of SEQ ID NO:1, as noted in paragraph 7 of the Prior Itoh Declaration.

This application is now considered to be in complete condition for allowance, and such action is respectfully solicited.

If any issues remain, the Examiner is invited to contact the undersigned attorney by telephone to discuss this matter.

Respectfully submitted,

NOBUYA ITOH

April 12, 2006  
(Date)

By:

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Enclosures:

Supplemental Declaration of Nobuya Itoh Regarding Replacement Sequence Listings

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